

AO 466A (Rev. 10/03) Waiver of Rule 5 & 5.1 Hearings

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

COPY

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint/Indictment)

v.

BRICE C. HALE

CASE NUMBER: 4:10MJ3138 FRB

Defendant

CHARGING DISTRICTS

CASE NUMBER: 10-00162-01/23-CR-W-FJ6

I understand that charges are pending in the Western District of Missouri

alleging violation of 21 USC 846, 841 and 841(b)(1)(A) and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- () identity hearing
- () preliminary hearing
- () identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

June 11, 2010

Date

Brice C. Hale
Defendant

[Signature]
Defense Counsel

United States District Court

EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA
V.

APPEARANCE BOND

BRICE C. HALE

Defendant

CASE NUMBER: 4:10MJ3138 FRB (EDMo.)
10-00162-01/23-CR-W-FJ6

Non-surety: I, the undersigned defendant acknowledge that I and my ...

Surety: We, the undersigned, jointly and severally acknowledge that we and our ...

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of
\$ 50,000.00 Secured, and there has been deposited in the Registry of the Court the sum of \$ 41,000.00
in Property (describe other security.)

The conditions of this bond are that the defendant Brice C. Hale
(name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in the case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgement entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgement.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on June 11, 2010, at St. Louis, Missouri

Defendant. *Brice C. Hale*
Brice C. Hale

Address. 4316 Melba, St. Louis, Missouri 63121

Surety. *Elnader A. Hale-Hatcher*
Elnader A. Hale-Hatcher
A/K/A Elnader A. Hale

Address. 5245 Ralston, Raytown, Missouri 64133

Surety. _____
Surety Name

Address. _____

Signed and acknowledged before me on June 11, 2010.

Approved: *Fredrick R. Buckles*
Judicial Officer

Fredrick R. Buckles
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

Case No. 4:10MJ3138 FRB
10-00162-01/23-CR-W-FJ6

BRICE C. HALE

AGREEMENT TO FORFEIT PROPERTY

I/we, the undersigned, acknowledge pursuant to 18 U.S.C. §3142(c)(2)(K) in consideration of the release of the defendant that I/we and my/our personal representatives jointly and severally agree to forfeit to the United States of America the following property: **5424 Ralston, Raytown, Missouri 64133**

which has a fair market value of approximately: **\$104,000.00**

and there has been posted with the court the following indicia of my/our ownership of the property: **Missouri Warranty Deed**

I/we further declare under penalty of perjury that I am/we are the sole owner(s) of the property described above and that the property described above is not subject to any lien, encumbrance, or claim of right or ownership except my/our own, that imposed by this agreement, and those listed below:

Mortgagee: **Bank of America**

in the amount of approximately **\$63,000.00**

Therefore, I/we have equity in this property of approximately **\$ 41,000.00**

This property is not being used to secure any other bonds. All current taxes on this property are paid;

and that I/we will not alienate, further encumber, or otherwise willfully impair the value of my/our interest in the property, and I/we do hereby waive our homestead rights and exemptions according to the laws of Missouri.

The conditions of this agreement are that the defendant **Brice C. Hale** is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing agreement (including any proceedings on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this agreement, then this agreement is to be void, but if the defendant fails to obey or perform any of these conditions, the property described in this agreement shall immediately be forfeited to the United States. Forfeiture under this agreement for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the property is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for forfeiture of the property together with interest and costs, and execution may be issued and the property secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States of America.

Defendant *Brice C. Hall* Address: 4316 Melba, St. Louis, Missouri 63121
Brice C. Hall

Owner(s)/ Obligor(s) *Elnader A. Hale-Hatcher* Address 5245 Ralston, Raytown, Missouri 64133
Elnader A. Hale-Hatcher
A/K/A Elnader A. Hale

Address: _____

Signed and acknowledged before me in St. Louis, Missouri, on June 11, 2010.

UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10MJ3138 FRB (EDMO.)
)	10-00162-01/23-CR-W-FJ6 (WDMO.)
BRICE C. HALE,)	
)	
Defendant.)	

ORDER SETTING CONDITIONS OF RELEASE

IT IS HEREBY ORDERED that the release of the defendant is subject to the following conditions:

1. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
2. The defendant shall immediately advise the U. S. Pretrial Services Agency, in writing, of any change in address and telephone number.
3. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at the United States District Court, Courtroom 6D, 400 E. 9th Street, Kansas City, Missouri 64106, for Initial Appearance on Monday, June 14, 2010, at 9:30 a.m., before Judge Robert E. Larsen.

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (X) 4. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () 5. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars () in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () 6. The defendant is placed in the custody of:
 (Name of person or organization) _____
 (Address) _____
 (City and State) _____
 (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- (X) 7. The defendant shall:
 - (X) (a) report to, and be supervised by, the U.S. Pretrial Services Agency, 111 South 10th Street, 6th Floor, Room 6.342, St. Louis, Missouri 63102; telephone number 314-244-7000.
 - (X) (b) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: 5424 Ralston, Raytown, Missouri 64133
 - (X) (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: Missouri Warranty Deed
 - () (d) execute a bail bond with solvent sureties in the amount of \$ _____
 - (X) (e) maintain or actively seek employment.
 - () (f) maintain or commence an educational program.
 - (X) (g) surrender any passport to the Clerk, U.S. District Court, 111 S. Tenth St., 3rd Floor, St. Louis, Mo
 - (X) (h) obtain no passport.
 - (X) (i) abide by the following restrictions on personal association, place of abode, or travel:
 - Remain within the Eastern District of Missouri; and the Western District of Missouri
 - (X) (j) avoid all contact, directly or indirectly, with persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____
 - () (k) undergo medical or psychiatric treatment and/or remain in an institution, as follows: _____
 - () (l) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
 - () (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
 - (X) (n) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - (X) (o) refrain from () any (X) excessive use of alcohol.
 - (X) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
 - (X) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - (X) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
 - (X) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
 - () (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
 - () (i) Curfew. You are restricted to your residence every day () from _____ to _____ or () as directed by the pretrial services office or supervising officer; or
 - () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
 - () (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.
 - (X) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning or traffic stop.
 - () (v) the defendant shall register under the provisions of the state sex offender registration requirements in any state where the defendant resides, is employed, carries on a vocation or is a student, as directed by the pretrial services officer.
 - () (w) _____
 - () (x) _____

Advice of Penalties and Sanctions .

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. § 3148, and a prosecution for contempt as provided in 18 U.S.C. § 401 which could result in a possible term of imprisonment and/or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 U.S.C. § 1503 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. § 1510 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. § 1512 makes it a criminal offense punishable by up to ten years in prison and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. § 1513 makes it a criminal offense punishable by up to ten years in jail and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of a sentence, or appeal or certiorari after conviction, for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

x 
Signature of Defendant

4316 Melba
Address

St. Louis, Missouri 63121 Cell 740-2466
City and State Telephone

Directions to United States Marshal

- (X) The defendant is **ORDERED** released after processing.
- () The United States Marshal is **ORDERED** to keep the defendant in custody until notified by the clerk of judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: June 11, 2010

Fredrick R. Buskela
UNITED STATES MAGISTRATE JUDGE

COPY

Tape # _____ from _____ to _____

RULE 5 INITIAL APPEARANCE RECORD BEFORE MAGISTRATE JUDGE FREDERICK R. BUCKLES

Mag. No. 4:10 MJ 3138 FRB

D/C Case No. 10-00162-01/23-CR-W-FTG

(W.D. Mo.)
SSN# 496-72-8786

Defendant's Name: BRICE C. HALE

Date of Initial Appearance: 6/9/10 Proceedings Commenced 10:40 a.m.

Date Federal Custody Commenced: 6/9/10

U.S. Attorney: _____

Present Not Present

Defense Attorney: _____

Present Not Present

Defendant advised of following:

- Nature of Offense
- Right to be represented by counsel
- Right to have counsel appointed, if indigent
- Given copy of Comp/Indict/Info/Petrn & WARRANT

Retained: _____

Appointed: NICK ZOTOS

Right to remain silent; and that defendant's statements can be used against him.

N/A Right to preliminary examination under Rule 5.1 or preliminary hearing under Rule 32.1 within 10 days if detained; and within 20 days if released.

Right to hearing here under Rule 5 if charged in another district.

Right to transfer here for guilty plea under Rule 20 if charged in another district.

Pretrial services bail report received on 6/9/10-ORAL

From: Pretrial Services Officer SUSAN HENDRICKSON

Defendant's residence: 4316 MELBA Tel. No. CELL 740-2466
ST. LOUIS, MO. 63121

Defendant's Age: 37 DOB: 1/11/73 Sex: M Race: B

Married: Spouse's Name: _____ No. of children 0

Single Ages: _____

SISTER KANSAS CITY

Location of defendant's family: _____

Defendant's current employment: DETAIL SHOP
NATURAL BRIDGE

Defendant's prior convictions: '01 POSS CONT. SUB - PROB

Bail set at: _____
Sec. O.R. Unsec. Cash Property 10%
AB AB Only

Motion for detention hearing made by
 United States
 Magistrate Judge

Detention hearing set for FRIDAY, JUNE 11, 2010, at 9:00a.m.

Disposition at Initial Appearance: Committed to Custody
 Released on Bond

Next Appearance: FRIDAY, JUNE 11, 2010 at 9:00a.m. for IDENTITY HEARING/
Date Time Proceeding DET. HEAR

Before Judge BUCKLES

Case to remain: Sealed Unsealed — Proceedings Concluded: 10:50 a.m.

Notes: _____

Fredrick R. Buckles
UNITED STATES MAGISTRATE JUDGE